

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CRIMINAL NO. 04-10290-MEL

UNITED STATES OF AMERICA

v.

GABRIEL HERNANDEZ

**REPORT & ORDER ON
FINAL STATUS CONFERENCE**

ALEXANDER, M.J.

On July 26, 2005, the parties appeared before this Court for Final Status Conference. With regard to the following issues, the parties have represented that:

1. Features of case that deserve special attention or modification of the standard schedule: none

2. (a) Discovery status and pending motions: Discovery is complete.

(b) If discovery is not complete, indicate if case will remain with the Magistrate Judge until discovery is complete:

3. Supplemental discovery anticipated:

The government will make its expert witness disclosures 30 days before trial; the defendant will make reciprocal disclosures 15 days before trial.

4. (a) Total amount of time order excluded under the Speedy Trial Act: 117 days (All but 14 days since the defendant's initial appearance on March 16, 2005 are excludable. The period from March 16, 2005 until April 13, 2005 is excludable pursuant to L.R. 112.2 and 18 U.S.C.

§ 3161(h)(8)(A) and the period from the initial status conference on April 27, 2005 until the final status conference is excludable pursuant to 18 U.S.C. § 3161(h)(8)(A) by agreement of the parties in order to complete discovery.

- (b) Amount of time remaining under the Speedy Trial Act before trial must commence: 56 days
 - (c) Pending or anticipated motions that will cause additional excludable time under the Speedy Trial Act:
5. (a) The defendant does not intend to raise a defense of insanity.
(b) The defendant does not intend to raise a defense of public authority.
6. The defendant does intend to raise an alibi defense.
7. (a) Motions to sever, dismiss, suppress, or any other motion requiring a ruling by the District Court before Trial: The defendant requests that the Court permit the defendant until August 8, 2005 to determine whether any such motions are appropriate.
- (b) Briefing schedule established:
8. Need for schedule concerning any matter in the case other than trial: no
9. Possibility of early resolution of case without trial: Such resolution is unlikely.
10. Trial is necessary. Estimated duration of trial: 3 days
11. Other matters: none

IT IS HEREBY ORDERED THAT

By the Court,

Date

Deputy Clerk